

### Remarks

Claims 1-20 are pending in the application and the same are rejected. By this Amendment, claims 2 and 9 are canceled and 1, 3-5, 8, 10, 11, and 15-18 are been amended. Accordingly, claims 1, 3-8, and 10-20 remain in the application and are presented for review and further consideration by the Examiner.

The Examiner has rejected claims 1-20 under 35 U.S.C. §102(e) as being anticipated by McCurdy et al., U.S. Patent Application Publication No. US 2002/0035697. (Examiner's Action, page 2, ¶ 3).

In response, Applicants' have amended independent claims 1, 8, and 15.

McCurdy discloses a system and method for distributing and viewing electronic documents. A reader 78 receives a magazine from system 50 and records usage data relative to the magazine. When the reader 78 next interacts with system 50, the usage data is transmitted to a magazine usage service 74.

Although McCurdy does disclose that physical access to the system 50 may be regulated, McCurdy discloses doing so only by requiring login ID's and passwords or by using biometric security devices for authentication and/or identification. It is well known that login ID's, passwords, and biometric security devices only identify a user of a device. They do not uniquely identify the device itself. Any number of users may log in to a device or be authorized to use a device. Therefore, the device is not uniquely identified by the login ID, password, or biometric information of the user of the device.

Since McCurdy does not disclose a recorded device identification that uniquely identifies a device, McCurdy cannot disclose: "reading, from an input record, a recorded unique device identification to uniquely identify a device" or an "input record having a recorded unique device identification to uniquely identify the device".

In contrast, Applicants' independent claims 1, 8, and 15 include the wording, "a recorded unique device identification to uniquely identify a device". This wording is not disclosed or suggested in McCurdy.

Furthermore, McCurdy does not disclose reading device usage data for a device. McCurdy instead discloses receiving information relating to the usage of the electronic document file. It is clear throughout McCurdy that the usage data relates to an electronic magazine, which is an electronic document file. As the electronic magazine is but a file on a device, it is clear that the usage of the electronic magazine is independent from the usage of the device. Nowhere is McCurdy is there a disclose of recorded device usage data for a device.

In contrast, Applicants' independent claims 1, 8, and 15 include the wording, "recorded device usage data for a device".

Additionally, while McCurdy does disclose requiring user identification, it does not disclose reading an identification from an input record. McCurdy does not even disclose any input record, or usage data, with an identification that may be read. Nothing in McCurdy suggests that the usage data has an identification that is read. In fact, McCurdy suggests just the opposite by stating that in at least one embodiment of the invention the reader does not record personally identifiable information as part of the magazine usage data. Therefore, McCurdy does not disclose: "reading, from an input record, a recorded unique device identification"; an "input record having a recorded unique device identification and recorded device usage data "; or "a record reader configured to read, from the input record, the recorded unique device identification and the recorded device usage data for the device".

In contrast, Applicants' independent claims 1 and 15 include the wording, "reading, from an input record, a recorded unique device identification". Applicants' independent claim 8 includes the wording, "an input record for a device, the input record having a recorded unique device identification" and "a record reader configured to read, from the input record, the recorded unique device identification".

In view of Applicants' arguments and amendments with respect to independent claims 1, 8, and 15 being allowable, Applicants respectfully submit

that the remaining dependent claims are also allowable because they contain all of the limitations of their respective independent claims and further add structural and functional limitations.

The foregoing arguments and amendments are believed to be a complete response to the most recent Examiner's Action.

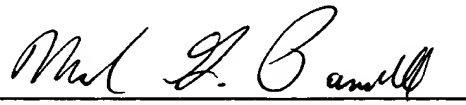
No new matter has been added.

It is respectfully submitted that there is no claim, teaching, motivation, or suggestion in any of the prior art cited, alone or in combination, to produce what Applicants' claim.

It is further submitted that the application defines patentable subject matter and that the claims are in a condition for allowance. Such allowance at an early date is respectfully requested.

Should any issues remain which would preclude the prompt disposition of this case, it is requested that the Examiner contact the undersigned practitioner by telephone.

Respectfully submitted,  
Donald J. Gathman  
Burton H. Poppenga, and  
Susan M. Janz

By   
Mark G. Pannell  
Reg. No. 40,761

Date 1-29-04  
(719) 260-7900